

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGEL TORRES and MANUEL TAVAREZ, on
behalf of themselves, individually, and on behalf of all
others similarly-situated,

Plaintiffs,

-against-

BO-MELL ENTERPRISES, INC., and QUALITY
AUTO BODY & PAINTING CENTER, INC., and
RICHARD CISTERNAS, individually,

Defendants.

Docket No.: 1:18-cv-08997-VEC

COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for BO-MELL ENTERPRISES, INC., QUALITY AUTO BODY & PAINTING CENTER, INC., RICHARD CISTERNAS, (collectively, "Defendants"), at any time between October 2, 2012 and the present, ***please read this Notice.***

*Important: You are NOT being sued. This Notice is NOT a solicitation from a lawyer.
The Court authorized this Notice.*

- Plaintiffs Angel Torres and Manuel Tavarez are a former and current employee, respectively, of Defendants. Plaintiffs worked for Defendants as laborers.
- Plaintiffs brought this lawsuit against Defendants on behalf of themselves and all other current and former employees who worked for Defendants as a laborer, or in other similar positions, at any time between October 2, 2012 and the present. Plaintiffs claim that when they worked in excess of forty hours per week that Defendants did not pay them time and one-half their regular hourly rate for all hours that they worked in excess of forty per week. Defendants deny any wrongdoing and maintain that they paid all of their employees in accordance with applicable wage and hour laws.
- The Court has authorized the parties to send out this Notice. The Court has not decided who is right or who is wrong. However, your legal rights may be affected, and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	If you choose to be included in this lawsuit, you must complete the Consent to Join Form at the end of this Notice. You may then share in any proceeds from a settlement or judgment if this lawsuit is successful, but you give up any rights to separately sue the Defendants for the same legal claims asserted in this lawsuit.
DO NOTHING	By doing nothing, you will not be included in this lawsuit relating to claims under the Fair Labor Standards Act. You will not be entitled to share in any proceeds if this lawsuit is successful.

1. Why did I get this notice?

You are getting this notice because Defendants' records show that you may have worked for one or all of them at some point between October 2, 2012 and the present, in a job similar to the one held by Plaintiffs.

2. What is a collective action and who is involved?

In a collective action lawsuit, one or more persons bring a lawsuit on behalf of others who have similar claims. The individual who brought this lawsuit is called the Plaintiff. The corporate entities and individual that are being sued are called the Defendants. One court resolves the issues for everyone who decides to join the case.

3. What is this collective action lawsuit about?

Plaintiffs allege that Defendants' compensation practices violated federal law. Specifically, Plaintiffs claim that they and others who worked for Defendants are entitled to unpaid overtime wages, liquidated damages, attorneys' fees, and costs.

Defendants deny any wrongdoing or liability and maintain that all of their employees were paid in accordance with federal and New York law.

4. How do I join this collective action lawsuit?

To participate in this lawsuit, you need to complete the enclosed form called "Consent to Join Form" and mail it in the enclosed, postage-paid envelope to Plaintiffs' Counsel, Borrelli & Associates, P.L.L.C. Should the enclosed envelope be lost or misplaced, the Consent to Join Form must be sent to:

Borrelli & Associates, P.L.L.C.
910 Franklin Avenue, Suite 200
Garden City, New York 11530
Tel: (516) 248-5550

You can also fax the Consent to Join Form
to (516) 248-6027, or scan and email it to
mjb@employmentlawyernewyork.com

The signed Consent to Join Form must be filed with the Court by June 21, 2019. If your signed Consent to Join Form is not filed with the Court by June 21, 2019, you may not be allowed to participate in this lawsuit.

5. What happens if I join the collective action lawsuit?

You will be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. If there is a favorable resolution, either by settlement or judgment, and you qualify under the law, you may be entitled to some portion of the recovery. By joining this lawsuit, you designate Plaintiffs, or his counsel, to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiffs or their counsel relating to the lawsuit will be binding on you if you join the lawsuit.

While this lawsuit is pending, you may be asked to provide documents or information relating to your employment with Defendants, which may include responding to written questions or answering questions in person under oath, either before or at trial. For this reason, if you join the lawsuit, you must preserve all documents relating to your employment with Defendants currently in your possession. Plaintiffs' attorneys will assist you.

6. What happens if I do nothing at all?

You will not be included in this lawsuit and you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable. The limitations period on your claim continues to run.

7. Can I participate in this collective action lawsuit regardless of my immigration status?

Yes. You have a right to participate in this Lawsuit regardless of your immigration status.

8. If I join, will there be any impact on my employment?

No. Federal and New York law prohibit Defendants from discharging you or retaliating against you in any way because you join the case.

9. Do I have a lawyer in this case?

Plaintiffs are represented by Borrelli & Associates, P.L.L.C. ("Borrelli"). If you choose to join this Lawsuit, and to be represented by Borrelli, then Borrelli will represent you on a contingency fee basis, meaning that you will not owe any attorneys' fees unless Plaintiffs are successful and win the case or obtain a settlement, in which case the Court will determine the amount of attorneys' fees to be paid.

You do not have to be represented by Borrelli and may instead hire another attorney, at your own expense, or you may represent yourself. If you intend to retain your own lawyer or to represent yourself, you **must** so indicate on the Consent to Join Lawsuit. If you send your form but do not indicate that you intend to retain your own lawyer or to represent yourself, you will be agreeing to be represented by Borrelli & Associates, P.L.L.C.

Defendants are represented by Kase & Druker. You should not contact them if you decide to participate in this Lawsuit.

10. This Notice has been authorized by the Court

This notice and its contents have been authorized by District Judge Valerie Caproni of the United States District Court for the Southern District of New York, located in New York, New York. The Court has not ruled on whether Plaintiffsclaims or Defendantsdefenses have any merit.

PLEASE DO NOT WRITE OR CALL THE COURT OR THE CLERK OF THE COURT ABOUT THIS NOTICE.

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit. If you have any questions, you may contact Plaintiffsattorneys, Borrelli & Associates, P.L.L.C, by telephone at (516) 248-5550, or in writing at Borrelli & Associates, P.L.L.C, 910 Franklin Avenue, Suite 200, Garden City, New York 11530, or by email at mjb@employmentlawyernewyork.com.

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SOUTHERN DISTRICT OF NEW YORK

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Plaintiffs,

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08997-VEC

**CONSENT TO JOIN
LAWSUIT**

IF YOU WANT TO JOIN THIS LAWSUIT, YOU MUST:

1. COMPLETE AND SIGN THIS FORM; AND
2. NO LATER THAN JUNE 21, 2019 RETURN THIS FORM TO:

Borrelli & Associates, P.L.L.C.
910 Franklin Avenue, Suite 200
Garden City, New York 11530

You can also fax the Consent to Join Form
to (516) 248-6027, or scan and email it to
mjb@employmentlawyernewyork.com

I consent to join the lawsuit brought pursuant to the Fair Labor Standards Act. Unless you choose to be represented by Borrelli & Associates, P.L.L.C., you MUST check one of the boxes below.

I choose to be represented:

By another attorney, who will promptly
file a notice of appearance on my
behalf.

Myself *pro se* without the assistance of
an attorney.

If you do not select either of the options above but send your form to Borrelli & Associates, P.L.L.C., and you are choosing to be represented by Borrelli & Associates, P.L.L.C., and you are authorizing Angel Torres and Manuel Tavarez to act on your behalf in all matters relating to this action, including any settlement of your federal law claims. If you want different counsel at your own expense or if you want to represent yourself, you **must** check one of the selections above.

SIGNATURE

PRINT NAME

Address

City, State, Zip Code

Telephone Number

Email Address

Start Date of Employment

End Date of Employment